

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Frank A. HUNLETH et al.) Group Art Unit: 2175
Application No.: 10/768,432) Examiner: Henry W. Orr
Filed: January 30, 2004) Confirmation No.: 8731
)
For: CONTROL FRAMEWORK WITH)
A ZOOMABLE GRAPHICAL)
USER INTERFACE FOR)
ORGANIZING, SELECTING)
AND LAUNCHING MEDIA)
ITEMS)

REPLY BRIEF

Sir:

The present Reply Brief is in response to the Examiner's Answer of June 11, 2009.

Appellants respectfully reiterate that the basis for the outstanding rejections set forth in the Examiner's Answer of June 11, 2009, is improper and must be REVERSED.

The outstanding rejections, discussed in detail in the Appeal Brief filed February 10, 2009, are primarily based on the Examiner's position that the claimed feature (see Claim 53 discussed in the Appeal Brief) of

transitioning, in response to said selection input, from (a) the current semantic level, at which a first image associated with said one of said media items is displayed together with other images, to (b) said different semantic level, **at which said first image is displayed without said other images by simultaneously changing a size**

of said first image and translating said first image from a first location at said current semantic level to a second location at said different semantic level
(emphasis added)

can be split in multiple sub-features and each sub-feature may be found in the prior art.

For example, the Examiner's Answer indicates in the paragraph bridging pages 4 and 5 that transitioning from a current semantic level to a different semantic level while changing a size and position of the first image is disclosed by Duarte at column 8, lines 24-45 and shown in Figure 11 while displaying the first image at the different semantic level without other images of media items is disclosed by Twerdahl in paragraphs [0019] and [0020] and shown in Figures 2 and 3.

I. Duarte does not teach or suggest changing a location of the first image

Duarte shows in Figure 11 that a user may select an icon 102 and because of this action, this icon increases in size. However, Figure 11 of Duarte does not show that the icon 102 changes its position as recited by the independent claims.

The Examiner points out in the Examiner's Answer in the paragraph bridging pages 19 and 20 that when "an icon within the **loop** is changed to a location within the highlighted region, the semantic level changes via a new highlighted icon displayed with corresponding preview area" (emphasis added).

The Examiner appears to acknowledge that Figure 11 of Duarte does not teach or suggest changing a location of a selected icon (102) and thus, the Examiner appears

now to combine the teachings related to Figure 2 (in which a loop menu is shown) with the teachings related to Figure 11 (in which no loop menu is shown). While the teachings related to Figure 2 disclose the possibility of moving an icon through a predetermined area, Duarte does not teach or suggest mixing the teachings related to Figures 2 and 11 suggested by the Examiner.

Thus, it is respectfully submitted that Duarte does not teach or suggest "simultaneously changing a size of said first image and translating said first image from a first location at said current semantic level to a second location at said different semantic level" (emphasis added) as recited by the independent claims.

II. Clarification of "semantic zooming"

The Examiner correctly notes in the Examiner's Answer that "semantic zooming" is not recited by the claims. This term has been used in the Appeal Brief as shorthand for the recited feature

transitioning, in response to said selection input, from (a) the current semantic level, at which a first image associated with said one of said media items is displayed together with other images, to (b) said different semantic level, at which said first image is displayed without said other images by simultaneously changing a size of said first image and translating said first image from a first location at said current semantic level to a second location at said different semantic level.

Thus, all the interpretations given by the Examiner in the Examiner's Answer to this phrase are considered inaccurate and should not be used to characterize the claims.

III. Paragraphs of Twardahl relied upon by Examiner are not prior art

As discussed in the Appeal Brief, the Examiner relies on paragraph [0020] of Twardahl for rejecting a feature of the independent claims (i.e., displaying a same image at current and different semantic levels).

This paragraph of Twardahl is neither found in the Provisional Application from which Twardahl claims priority nor finds any support in the Provisional Application. Because the effective date of this paragraph of Twardahl is not the filing date of the Provisional Application, this paragraph is not prior art.

The Examiner states in the Examiner's Answer on page 24, first full paragraph that:

Examiner further notes that U.S. Pub. No. 2004/0221243 (i.e., Twardahl et al.) is relied upon to form the basis of the prior art rejections, not the Provisional application. The Provisional Application is relied upon to establish an effective date for the U.S. Pub. No. 2004/0221243. Therefore, U.S. Pub. No. 2004/0221243 has an effective filing date which is the same as the filing date of the provisional application and qualifies as prior art in accordance with 35 U.S.C. 102(e).

This paragraph clearly indicates that the Examiner mistakenly relies on disclosure of Twardahl (filing date of April 16, 2004) not having support in the Provisional Application (filing date April 30, 2003) but claiming the filing date of the Provisional Application, which is improper.

For this single reason, it is believed that the outstanding rejections should be reversed as the filing date of the present application is January 30, 2004, earlier than the filing date of Twardahl.

Conclusions

As the Examiner has failed to rely on prior art and also has failed to find reference teachings that would suggest all the limitations of the rejected claims, reversal of all outstanding rejections is respectfully requested.

Respectfully submitted,
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